| UNITED STATES DISTRICT COURT | |
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| NORTHERN DISTRICT OF NEW YOR | K |

ALONZO BROWN,

Plaintiff,

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No. 08-CV-105 (TJM/DRH)

DAME, Correction Officer,

Defendant.

THOMAS J. McAVOY, Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This *pro* se action brought pursuant to 42 U.S.C. § 1983 was referred to the Hon. David R. Homer, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Local Rule 72.3(c). No objections to the Report-Recommendation and Order dated February 5, 2010 have been filed, and the time to do so has expired. Furthermore, after examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice. Accordingly, the Court adopts the Report-Recommendation and Order for the reasons stated therein.

It is therefore,

ORDERED that Defendant's motion for summary (Docket No. 27) is **GRANTED**, and the claims in this action are **DISMISSED**. The Clerk of the Court is instructed to enter

judgment in favor of Defendant and to close the file in this matter.

IT IS SO ORDERED

DATED:March 3, 2010

Thomas J. McAvoy Senior, U.S. District Judge